

2004 NOV 29 A 11: 14



607 Fourteenth Street N W Washington, DC 20005-2011



November 29, 2004

BY HAND DELIVERY

Mr. Lawrence H. Norton Office of the General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463

Re: MUR 5552

Dear Mr. Norton:

On behalf of Kerry-Edwards 2004, Inc. and Robert A. Farmer as Treasurer ("Respondents"), this letter is submitted in response to the complaint filed by Amy Hanmer ("the Complaint") and subsequently labeled MUR no. 5552. The Complaint should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation. See 11 C.F.R. §§ 111.4(a), (d) (2004). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

The complaint alleges that yard signs created by Respondents that appeared in the state of Ohio did not contain the sponsorship disclaimer required by federal law. Yet it identifies "no source of information that reasonably gives rise to a belief in the truth of the allegations presented." *Id.* There is no evidence that Respondents had any role in the creation or distribution of the photographed yard sign.

In fact, Respondents were not the source of the yard signs in question, nor did they have any knowledge of, or role in, the creation or distribution of the signs. The photographs in the complaint clearly indicate that the signs were created and distributed by "Demstore.com." As the attached webpage demonstrates, identical yard signs are still available for sale on http://www.demstore.com. Individuals and

November 29, 2004 Page 2

organizations are able to purchase these signs directly from Demstore.com. A "WHOIS" search of this website reveals that it was registered to, and is administered by, Steven Schwat of Washington Promotions, Inc., P.O. Box 71007, Chevy Chase, Maryland 20813.

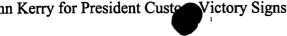
Because the Complaint relies entirely on conclusory allegations against Respondents not supported by the facts, Respondents respectfully request that the Commission dismiss the complaint.

Very truly yours,

Marc E. Elias

Counsel to Kerry-Edwards 2004, Inc.

Robert A. Farmer, Treasurer







Store Front

Kerry Victory Signs™

Contribute

Meetup

Vc

Track Order View <u>Cart</u>

0

Multi-Product Order Form (Includes All Items)

TRONGER AMERICA

Product Categories

American Flags **Balloons**

Banners Bumper Stickers

Buttons

Car Magnets

Cardboard Cutouts

DVDs

<u>Hats</u>

Lapel Pins

Lapel Stickers

Palm Cards

Rally Signs

Sweatshirts

T Shirts

Yard Signs

Constituency Categories

Asian Americans & Pacific Islanders

Espanol 1

Faith

Greek Americans

House Party

Jewish Supporters

Kerry Only

Campaign Products

Labor

Lawyers/ **Professionals**

LGBT

Native Americans

Republicans

Seniors

Sportsmen

State Buttons

Young Voters/EDU

Veterans & Bikers

Wholesale

Women

Catalog Download (Adobe Acrobat .pdf file)

See for yourself how durable and easy these campaign

yard signs are to set up.

Note: Shipping fees will be estimated and a customer service agent will contact you within 24 hrs with the exact fees.

As Low As \$0.95 ea. With

- Standard Kerry Victor
- Custom Kerry Victory (Imprinted with your me

Both Victory Sign Styles N **USA & Union Printed!**

100

\$0.60

\$0.65

Kerry/Edwards Victory Yard Signs



Kerry/Edwards Campaign Victory Yard Signs Environmentally friendly, lighter weight, longer lasting, easier to install and lower cost

than cardboard signs. They are made in the USA, Union printed, made without paper or trees and are 100% recyclable Signs are 141/2" x 22". Order with or without the frame. Frames are 20" x 33".

SKU: 24-0008-00 (sign) SKU: 24-0008-01 (sign w/ frames) 10 25

Sian

Sign

Only

| w/ Frame | | \$3.00 | | \$2.75 | | \$2.50 | | \$2.00 | | |
|------------|------|--------|-------|--------|-------|--------|-------|--------|--------|----|
| Sign Only | | \$2.00 | | \$1.75 | | \$1.50 | | \$ | \$1.25 | |
| 50 | | 0 | 1,00 | 00 | 2,50 | 0 | 5,00 | 0 | 10,00 | 00 |
| Sign w/ | \$1. | 60 | \$1.3 | 35 | \$1.1 | 0. | \$1.0 | 0 | \$0.9 | 5 |

\$0.80 \$0.70

Note: Orders signs have the shipped separ arrive 2-3 day signs, if the oi shipment.

Larger Quanti

Signs w/ Frames . Qty:

Coordinated Campaigns and State Heads

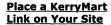
Please take note, these signs are significantly less than cardboard signs, cos ship, are easier to distribute and include the frame to set it up. Each and ex includes a reusable wire frame so more signs will get out on the lawns of sul

\$1.00

Fact: More signs make it outside - because our Victory SignsTM are delivere reusable wire frames, included in the very low cost, more signs make it outs yard. That means fewer signs sitting on the floor in the campaign office.

Drop Ship Option: We can also drop ship signs for you. We can drop ship as one sign per address to thousands. Just ask us.

Fulfillment Option: Fulfillment services also available. We can distribute ti individual signs for fundraising and other events.



View KerryMart <u>Links</u>

Recommend This Site to a Friend!

Problems Ordering?

Contact Us

Custom Kerry Victory Signs



Victory Yard Signs w/ Frames Environmentally friendly, lighter weight, longer lasting, easier to install and lower cost than cardboard signs. Victory Signs are made without paper/trees and are 100% recyclable. Signs are 141/2" x 22" Order with or without the frame.

SKU: JK04YS

Larger Quantities: contact us.

5,000 10,000 \$1.05 \$0.97

Note: Wire frames shipped separately. They may arrive 2-3 days apart from the signs, if the order is a ground shipment.

Not exactly what you are looking for? See our custom victory sign section.

Qty: 5000

Color: Kerry Blue &

Custom Text:

All orders include artw and full color proofs v production.

Keep Fighting the Good Fight!SM

Add to Cart

Keep Fighting the Go

Kerry Democratic Items

Custom Kerry Materials

Victory Yard Signs™ Most Cost Effective Yard Sign Made + Cost Less, Even with Frame Incl

All campaign merchandise is provided by DemStore com, an independent company not affiliated with the John Kerry for President Car

© 2000-2004 All Site design, text, images, photographs, illustrations, graphic material, database, proprietary information and all copyrightable or othe protectible elements of the Site, including, without limitation, the selection, sequence and 'look and feel' and arrangement of items are the property of Demstore com & Washington Printing & Promotions, Inc. and are legally protected, without limitation, under United States law

All sales are final

DemStore com Sponsored Sites UnionStore us UnionShop us ContributeAndFight com

24/7 Live Sales Chat | 24/7 Cu



🖔 MYACCOUNT | 🏠 HELP | 🗹 CONTACTUS

DOMAINS \$ 9.99/YR

. . . .

LEGIP A

LOUISING ECT

Enter domain name

com

unified@names.com



Plans starting at only \$2.95/mo

EMAIL HOSTING

Plenty of Storage

FREE WebMail
Optional Virus Protection
And FREE SMTP relay!

Plans starting at only \$4.99 /yr



Protect your identity!

Web Entry \$4.95 PHP4, MySQL, WebMail, 1000 MB Disk, 50000 MB Transfer, Web Stats Web Starter \$7.95

PHP4, MySQL, WebMail, 2000 MB Disk,

WEB HOSTING PLANS

Home | Domain Names | Whois Database Search

WHOIS LOOKUP

Using our Whois utility allows the public to see who is the owner(the "r well as other information about the domain name. Some of this information RegisterFly.com (the "registrar") and some is maintained by the "regist

Whois Database Lookup

Enter the domain name to lookup:

Domain Name: demstore com

demstore.com is registered at whois.itsyourdomain.com

The Data in our WHOIS database is provided by us for and to assist persons in obtaining information about name registration record. We do not guarantee its assubmitting a WHOIS query, you agree that you will uslawful purposes and that, under no circumstances wil (1) allow, enable, or otherwise support the transmistions. Commercial advertising or solicitations via e-mail (high volume, automated, electronic processes that apply systems, or our customers. We reserve the right to any time. By submitting this query, you agree to ab Domain: demstore.com

Registrant
Washington Promotions, Inc.
sedwards@MACMANNES.COM
P.O. Box 71007
Chevy Chase, MD 20813 US

Administrative
Steven Schwat
Washington Promotions and Printing
steve@schwat.net
P.O. Box 71007
Chevy Chase, MD 20813 US
+1.3016516880
Billing
Steven Schwat
Washington Promotions and Printing
steve@schwat.net
P.O. Box 71007

Chevy Chase, MD 20813 US



Web PRO

\$13.95

PHP4, MySQL, WebMail, 3000 MB Disk, 125000 MB Transfer, Web Stats

+1.3016516880 Technical Kimberly Paez Commerce Blvd, Inc. kpaez@commerceblvd.com 13422 215th Ave E Sumner, WA 98390 US +1.3608972106 Record created on January 31, 2000 Record last updated on February 17, 2004 Record expires on January 31, 2010 Domain Name Servers: NS1.WEBXESS.NET NS2.WEBXESS.NET Visit demstore.com

Looking to grab this domain? Back-Order demstore.com NOW!



E-Mail whoFLY results

Visit demstore.com



Additional Domain Options:

- Protect your privacy from spammers and telemarketers for or
- Full Featured e-mail hosting for only \$8.99 per year
- 3 Months of web hosting for only \$1.00
- Access this Whois Service by typing WhoFly.com in the addre













Members

About us

Partners

<u>Privacy</u>

Agreement

D